UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS

RAYMOND E. BUTLER II,

Plaintiff,

v.

HON. GEORGIA N. ALEXAKIS, et al.,

Defendants.

No. 1:25-cv-10904

MOTION TO DISMISS AND MEMORANDUM IN SUPPORT

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Plaintiff Raymond Butler II is also the plaintiff in another civil action pending before Judge Georgia Alexakis. In that action, Butler moved to freeze millions of dollars in assets in which he claims an interest. Judge Alexakis denied his motion and, thus far, he has been unsuccessful seeking review from the Seventh Circuit, including before a three-judge panel that included Judge Nancy Maldonado along with two other judges who have not been sued. Butler, through counsel, now brings an invective-filled complaint against Judge Alexakis and Judge Maldonado taking issue with their judicial rulings and demanding money damages and injunctive relief under the Racketeer Influenced and Corrupt Organizations Act and 42 U.S.C. § 1983.

Butler's claims fail several times over. First, Judge Alexakis and Judge Maldonado are shielded by judicial immunity. Butler attempts to get around that immunity by speculating that the judges' nominations "may" have been signed on the president's behalf by an autopen. But that is irrelevant. Judicial immunity asks not whether the specific judge at issue had authority to take the specific challenged action, but whether the nature of the act was judicial: was it the type normally performed by a judge and while the party dealt with the judge in a judicial capacity? Under that analysis, absolute judicial immunity bars this action. Second, this Court cannot interfere in the ongoing litigation before Judge Alexakis and the Seventh Circuit by ordering the immediate recusal of Judge Alexakis and Judge Maldonado in his other case, both because it is without jurisdiction to do so and because the availability of the appeal process forecloses such equitable relief. Finally, Butler fails to plead plausible claims. He falls far short of pleading the necessary elements of a RICO claim—the only "racketeering activity" he alleges is unidentified persons visiting the public website of his attorney—and his § 1983 claim is frivolous because the federal judges he sues were not acting under color of state law.

For these reasons, Butler's complaint should be dismissed.

BACKGROUND

A. Butler's Civil Action before Judge Alexakis

Plaintiff Raymond Butler II claims to be the beneficiary of a trust that he says was created by his grandfather to benefit him and his siblings. Am. Compl. ¶¶ 1–4, 108–13 (ECF No. 71), *Butler v. Eddi* ("*Butler I*"), No. 25-cv-4443 (N.D. Ill. Sept. 20, 2024). In August 2024, he brought a lawsuit against thirty-one defendants in the United States District Court for the Western District of Michigan in which he alleged that the funds from the trust had been diverted and decanted to other trusts and entities controlled by some of the defendants, that a release of his interest in the trust was forged or fraudulently obtained, and that he was entitled to collect "in excess of $100,000,000." *Id.* ¶¶ 4, 60, 131–33.

The district court stayed the action pending a related case by Butler against some of the same defendants in Cook County Probate Court—*Butler v. Eddi*, No. 22 CH 675 (Ill. Cir. Ct. Jan. 26, 2022)—because the outcome of that case could result in preclusive determinations as to whether Butler was a beneficiary of the trust and whether he had waived his rights to the trust. Order at 7–8 (ECF No. 79), *Butler I* (Sept. 25, 2024). In February 2025, after inappropriate conduct by Butler towards some of the defendants, the court temporarily lifted the stay to enter a protective order requiring that Butler communicate with certain defendants and witnesses only through his attorney, Racine Miller. Order at 6 (ECF No. 101), *Butler I* (Feb. 12, 2025).

On April 22, 2025, with the stay and protective order still in place, the court transferred the action to the United States District Court for the Northern District of Illinois because it had concluded that venue was improper in the Western District of Michigan. Order (ECF No. 119), *Butler I* (Apr. 22, 2025). In the Northern District of Illinois, the case was assigned to Judge Georgia Alexakis. Judge Alexakis held a status hearing on June 9, 2025, during which she decided to maintain the stay pending the still-ongoing state-court proceedings. Min. Entry (ECF No. 163),

Butler I (June 9, 2025). The court also kept the protective order in place but modified it to allow communications with defendants and witnesses by Butler's newly entered counsel, Katherine London. *Id.*

Several weeks later, Butler filed what he styled as an "ex parte emergency motion to vacate stay, vacate protective order, freeze trust assets, and appoint neutral fiduciary to preserve trust res." Mot. to Vacate (ECF No. 167), *Butler I* (July 30, 2025). Butler claimed to have uncovered evidence of transfers of ownership in certain skilled nursing facilities that he asserted had been held by trusts in which he had an interest. *Id.* at 8–9. The same day, the court entered an order declining to consider the motion on an ex parte basis and instead setting an expedited briefing schedule with a motion hearing to occur on August 18, 2025. Min. Entry (ECF No. 169), *Butler I* (July 30, 2025). Butler immediately appealed the scheduling order to the United States Court of Appeals for the Seventh Circuit, Not. of Appeal (ECF No. 170), *Butler I* (July 30, 2025), and the district court vacated the briefing schedule pending the Circuit's decision, Min. Entry (ECF No. 177), *Butler I* (Aug. 4, 2025). On August 6, 2025, a unanimous panel consisting of Circuit Judges David Hamilton, Michael Brennan, and Nancy Maldonado dismissed Butler's appeal for lack of jurisdiction. Order (ECF No. 10), *Butler v. Eddi*, No. 25-2315 (7th Cir. Aug. 6, 2025). The court of appeals noted that a denial of a temporary restraining order is not immediately appealable and that Butler could proceed in district court on his request for preliminary injunctive relief. *Id.* at 2.

The day after the dismissal of the appeal, the district court reentered a briefing schedule on Butler's motion to freeze assets, Min. Entry (ECF No. 188), *Butler I* (Aug. 7, 2025), and held a motion hearing on August 27, 2025, Min. Entry (ECF No. 208), *Butler I* (Aug. 27, 2025). Though it was scheduled as an in-person hearing, Butler and his counsel appeared only remotely. Butler's counsel Katherine London explained that she did not feel safe leaving her home because she

believed that suspicious people were stalking her and interfering with her network in connection with her work on Butler's case. Hr'g Tr. at 10:3–22 (ECF No. 218), *Butler I* (Sept. 2, 2025). The court nevertheless proceeded with the hearing and, after receiving arguments from both sides and testimony from Butler, denied Butler's motion. The court concluded that Butler was effectively requesting a fund from which a later award of damages could be satisfied, which was not permissible. Hr'g Tr. at 100:7–101:2 (ECF No. 218), *Butler I* (Sept. 2, 2025). The court also concluded that Butler had not shown that he was likely to succeed on the merits because the evidence that the trusts were created for his benefit was "slim to none," *id.* at 104:19–107:23, and Butler presented no evidence demonstrating that assets were being transferred from trusts that purportedly belonged to him, *id.* at 109:23–110:3. Again, Butler immediately appealed. Not. of Appeal (ECF No. 209), *Butler I* (Aug. 27, 2025).

Days after the hearing, on September 2, 2025, Miller moved to withdraw as counsel for Butler, which would leave Butler represented only by London. Mot. to Withdraw (ECF No. 216), *Butler I* (Sept. 2, 2025). Some defendants opposed Miller's withdrawal because of London's unwillingness to appear for in-person proceedings. Opp'n to Withdrawal (ECF No. 219), *Butler I* (Sept. 3, 2025). The court set a hearing to resolve the opposed motion. Min Entry (ECF No. 220), *Butler I* (Sept. 8, 2025). The court later vacated the hearing, however, as part of a broader stay of proceedings pending Butler's appeal of the denial of an asset freeze. Min Entry (ECF No. 227), *Butler I* (Sept. 11, 2025). That stay remains in place to this day. *See* Min. Entry (ECF No. 238), *Butler I* (Jan. 26, 2026) (maintaining stay and protective order and setting a status hearing for tracking purposes only on April 27, 2025).

B. This Case

Shortly after the denial of his motion to freeze assets, Butler brought this civil action against Judge Alexakis, Judge Maldonado, and unnamed "co-conspirators." Butler's vituperative

complaint, submitted by his counsel Katherine London, accuses Judge Alexakis and Judge Maldonado of being "unethical 'judges'" who are part of a "cesspool consisting of corrupt elements within the federal judiciary" attempting to "shamelessly favor their crooked allies in the underlying litigation, *Butler v. Eddi*." Compl. at 1 (ECF No. 1). It charges Judge Alexakis with "arrogant overreach" and calls Judge Maldonado "biased and incompetent." *Id.* at 4.

The complaint challenges (1) Judge Alexakis's decision not to decide Butler's motion to freeze assets on an ex parte basis, Compl. at 5–6 (ECF No. 1); (2) the Seventh Circuit's dismissal of his appeal of that decision and subsequent denial of en banc review, *id.* at 6; (3) Judge Alexakis's reentering of a briefing schedule following the dismissal of the appeal, *id.* at 6–7; (4) Judge Alexakis's denial of injunctive relief at the motion hearing, *id.* at 7; and (5) Judge Alexakis's scheduling a hearing on the opposed motion to withdraw Miller as counsel for Butler, *id.* at 7–8. The complaint asserts claims under the Racketeer Influenced and Corrupt Organizations Act ("RICO") and 42 U.S.C. § 1983. *Id.* at 19. It insists that Judge Alexakis and Judge Maldonado are not entitled to judicial immunity against these claims because their nominations "may have been executed via autopen." *Id.* at 12. It demands "at least $500,000,000" in damages (trebled under RICO), "injunctive relief" against "further acts," and the "immediate removal from the bench" of Judge Alexakis and Judge Maldonado, among other things. *Id.* at 20–21.

C. Butler's Ongoing Appeal

Meanwhile, Butler's September 10, 2025, appeal of Judge Alexakis's denial of his motion to freeze assets remains ongoing in the Seventh Circuit. Before briefing, Butler, through his counsel Katherine London, filed a motion to disqualify Judge Maldonado "from participating in any aspect" in the appeal. Mot. to Disqualify, *Butler v. Eddi* ("*Butler II*"), No. 25-2589 (7th Cir. Sept. 24, 2025). The motion argued that Judge Maldonado has an "unavoidable conflict of interest and a reasonable appearance of partiality" because Butler has sued her in this case. *Id.* at 2. The

motion also demands recusal because of asserted "incompetence" and general "bias" on the part of Judge Maldonado. *Id.* at 3. Judge Maldonado denied the motion, Order, *Butler II* (Oct. 3, 2025), and the court of appeals, in a per curiam order, directed London to show cause "why she should not be subject to disciplinary action, which may include suspension or disbarment, for conduct unbecoming a member of this court's bar . . . in making scurrilous and unfounded allegations against a judge of this court," Order, *Butler II*, (Oct. 10, 2025). London responded that her motion was based on "verifiable facts" and continued to accuse Judge Maldonado of "collusion" and "bias." Resp. to Order at 2–3, *Butler II* (Oct. 20, 2025). She insisted that those accusations were not mere conjecture because they were set forth in a sworn affidavit by Butler. *Id.* at 8.

In another per curiam order, the court of appeals found that London's motion to disqualify made "unfounded accusations of judicial misconduct and ideological bias" against Judge Maldonado, and London's response to the show-cause order "took no responsibility for her actions and continued to present unsupported allegations denigrating Judge Maldonado's conduct and character." Order at 1 (ECF No. 42), *Butler II* (Nov. 7, 2025). The court noted that London had filed a "similar motion with similarly egregious allegations against Judge Alexakis in the district court." *Id.*[1] The court concluded that London has "shown disrespect for members of this court and knowingly misrepresented facts in court filings." *Id.* at 2. It therefore ordered London to pay a fine of $750 to the court and directed the clerk to "forward a copy of [the] order, which serves as a public reprimand, to the Attorney Registration and Disciplinary Commission of the Illinois Supreme Court for any action it deems appropriate." *Id.* The court later denied London's motion for en banc review, Order (ECF No. 50), *Butler II* (Nov. 19, 2025), and for rehearing, Order (ECF

[1] The motion to disqualify Judge Alexakis is stayed pending the Seventh Circuit's disposition of Butler's appeal. Min. Entry (ECF No. 227), *Butler I* (Sept. 11, 2025).

No. 55), *Butler II* (Nov. 21, 2025). London then filed an application to vacate the order in the Supreme Court of the United States. *See London v. U.S. Ct .of Appeals for Seventh Cir.*, No. 25A773 (U.S. filed Dec. 19, 2025). After Justice Barrett denied the application, London refiled it with Justice Thomas. The application was referred to the Court on February 11, 2026. *Id.*

LEGAL STANDARDS

A. Rule 12(b)(1)

"Federal courts are courts of limited jurisdiction. They possess only that power authorized by Constitution and statute." *Kokkonen v. Guardian Life Ins. Co. of Am.*, 511 U.S. 375, 377 (1994). A court must dismiss a case pursuant to Rule 12(b)(1) when it lacks subject matter jurisdiction. The plaintiff bears the burden of establishing subject matter jurisdiction. *Ctr. for Dermatology & Skin Cancer, Ltd. v. Burwell*, 770 F.3d 586, 588–89 (7th Cir. 2014).

B. Rule 12(b)(6)

Defendants also move to dismiss for failure to state a claim under Rule 12(b)(6). "To survive a [Rule 12(b)(6)] motion to dismiss, a complaint must contain sufficient factual matter, accepted as true, to 'state a claim to relief that is plausible on its face.'" *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (quoting *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007)). In *Iqbal*, the Supreme Court reiterated the two principles underlying its decision in *Twombly*. "First, the tenet that a court must accept as true all of the allegations contained in a complaint is inapplicable to legal conclusions," and "[s]econd, only a complaint that states a plausible claim for relief survives a motion to dismiss." *Id.* at 678-79. A claim is facially plausible when the pleaded factual content "allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged." *Iqbal*, 556 U.S. at 678 (citing *Twombly*, 550 U.S. at 556). "The plausibility standard is not akin to a 'probability requirement,' but it asks for more than a sheer possibility that a defendant has acted unlawfully." *Id.* (quoting *Twombly*, 550 U.S. at 556).

ARGUMENT

I. The defendants are covered by judicial immunity.

Judge Alexakis and Judge Maldonado are shielded from all of Butler's claims by judicial immunity. Judicial officials are immune from civil suits based on conduct taken in their judicial capacities. *Stump v. Sparkman*, 435 U.S. 349, 355-56 (1978). This immunity is broad; it "is not overcome by allegations of bad faith or malice" but rather in "only two sets of circumstances": where liability would be for "actions not taken in the judge's judicial capacity" or where it would turn on actions that, "though judicial in nature," were "taken in the complete absence of all jurisdiction." *Mireles v. Waco*, 502 U.S. 9, 11–12 (1991). Judicial immunity promotes the independence of the judiciary. Judges may be called upon to decide "controversial cases that arouse the most intense feelings in the litigants"; any errors made in the course of resolving such cases "may be corrected on appeal," but judges "should not have to fear that unsatisfied litigants may hound [them] with litigation charging malice or corruption." *Pierson v. Ray*, 386 U.S. 547, 554 (1967).

Butler's claims against Judge Alexakis and Judge Maldonado are precisely the sort of claims that judicial immunity is intended to prevent. Those claims challenge actions that were obviously taken in a "judicial capacity." *Mireles*, 502 U.S. at 11–12. Butler challenges Judge Alexakis's denials of his motion to freeze assets, Compl. at 5–6, 7, and her scheduling orders setting a briefing schedule on the motion to freeze assets and a hearing on Miller's opposed motion to withdraw as counsel, *id.* at 6–8. Butler also challenges Judge Maldonado's participation in a panel dismissing his appeal of the district court's decision not to consider his motion on an ex parte basis and her involvement in the court's en banc decision denying his request for further review, *id.* at 6. Those actions are obviously "judicial in nature" and well within the jurisdictional purview of a judicial officer. *Mireles*, 502 U.S. at 11–12.

Butler's only attempt to avoid the application of judicial immunity is to assert that the nominations of Judge Alexakis and Judge Maldonado "may have been executed via autopen." Compl. at 12 (ECF No. 1). There are many flaws in this argument. First, it is speculative on the facts. Butler's supposition that the nominations "may" have been executed with an autopen, *id.*, is insufficiently detailed to be "plausible," *Iqbal*, 556 U.S. at 678. Second, Butler's argument is entirely unreasoned. He does not explain as a legal matter why the signing of a nomination by autopen would have any effect on the abilities of Judge Alexakis and Judge Maldonado to act as judicial officers, especially when Butler does not allege any independent impropriety in their subsequent confirmations by the Senate, commissioning, and swearing into office.

Third, and most importantly, Butler's contentions have no place in the application of judicial immunity. Courts do not look at whether a judicial officer has the specific authority to perform the specific act challenged in the complaint. *Mireles*, 502 U.S. at 12. As the Supreme Court put it, "if judicial immunity means anything, it means that a judge will not be deprived of immunity because the action [she] took was in error or was in excess of [her] authority." *Id.* at 12–13. Instead, the immunity inquiry focuses on "the nature of the act itself, i.e., whether it is a function normally performed by a judge, and to the expectation of the parties, i.e., whether they dealt with the judge in [a] judicial capacity." *Id.* at 12. Applying that analysis here, judicial immunity plainly applies. Notwithstanding Butler's speculative and unreasoned assertion that Judge Alexakis and Judge Maldonado lacked the authority to take the specific actions that they took, there is no doubt that those actions were the types of functions "normally performed by a judge" and that Butler dealt with them "in [a] judicial capacity." *Mireles*, 502 U.S. at 12. The judges are therefore immune from Butler's claims.

II. This Court lacks jurisdiction to review judicial actions in Butler's other case.

Separately, this Court lacks subject matter jurisdiction over the ongoing litigation before Judge Alexakis and the Seventh Circuit. Butler asks this Court to enjoin Judge Alexakis and Judge Maldonado "from further acts and order[] immediate recusal," Compl. at 21 (ECF No. 1), in direct derogation of the Seventh Circuit's order specifically refusing to recuse Judge Maldonado (which led to a public reprimand and bar referral for Butler's counsel), Order, *Butler II*, (Oct. 10, 2025); Order (ECF No. 42), *Butler II* (Nov. 7, 2025). But once a court has issued a decision on a matter, any errors can be corrected only "'by orderly review,'" either through reconsideration or "'by a higher court'"; otherwise, the court's "'orders based on its decision are to be respected.'" *Celotex Corp. v. Edwards*, 514 U.S. 300, 313 (1995) (quoting *Walker v. Birmingham*, 388 U.S. 307, 314 (1967)); *see also Klayman v. Rao*, 49 F.4th 550, 552 (D.C. Cir. 2022) ("A federal district court lacks jurisdiction to review decisions of other federal courts."). Butler therefore may only challenge the orders in his other litigation through the normal means of direct appeal and certiorari, as he has done.

The principles articulated above similarly forbid equitable relief because Butler has another remedy: appeal. Equitable relief is unavailable where, as here, a plaintiff seeks to retrospectively challenge results reached in prior federal litigation. In these circumstances, there is an adequate remedy at law—namely, appellate review in connection with the original litigation. *See Klayman*, 49 F.4th at 553–54 (holding that a "right to appeal" and "to petition for review in the Supreme Court" provided "a remedy at law" precluding equitable relief); *see also Crane by Crane v. Indiana High Sch. Athletic Assn*, 975 F.2d 1315, 1326 (7th Cir. 1992) (party seeking injunctive relief must prove "no adequate legal remedy"). Butler can (and has) appealed orders by Judge Alexakis to the Seventh Circuit, and he may seek certiorari from the Supreme Court over orders from the Seventh Circuit. These available remedies preclude him from pursuing injunctive relief.

III. Butler fails to plead viable claims.

In addition to failure of all of Butler's claims due to judicial immunity and his inability to obtain equitable relief against the actions of another district court and federal court of appeals, Butler's individual claims also suffer several flaws in their own right that would warrant dismissal under Rule 12(b)(1) and (6).

A. Butler fails to plead a cause of action under RICO.

Butler accuses Judge Alexakis and Judge Maldonado of participating in a RICO enterprise aimed at "maintain[ing] iron fisted control over litigation outcomes" and "protect[ing] favored cronies." Compl. at 8ϒ (ECF No. 1). To state a cause of action under RICO, a plaintiff must show "(1) conduct (2) of an enterprise (3) through a pattern (4) of racketeering activity." *Vicom, Inc. v. Harbridge Merch. Servs., Inc.*, 20 F.3d 771, 778 (7th Cir. 1994) (citation omitted). Butler fails to allege anything close to a pattern of "racketeering activity." To do so, he must show "two predicate acts of racketeering committed within a ten-year time period," and those predicate acts must be on "a specified list of criminal laws." *Goren v. New Vision Int'l, Inc.*, 156 F.3d 721, 728 (7th Cir. 1998); *see also* 18 U.S.C. § 1961(1) (defining "racketeering activity"). Butler makes specific allegations only about purported wire fraud, Compl. at 5, 6, 7 (ECF No. 1), which is one of the categories of crimes on the list, 18 U.S.C. § 1961(1) (listing 18 U.S.C. § 1343)). But the Seventh Circuit has "repeatedly rejected RICO claims that rely so heavily on mail and wire fraud allegations to establish a pattern" for RICO purposes. *Jennings v. Auto Meter Products, Inc.*, 495 F.3d 466, 475 (7th Cir. 2007). In any event, allegations of wire fraud must be particularized and must include "the identity of the person who made the misrepresentation, the time, place and content of the misrepresentation, and the method by which the misrepresentation was communicated to the plaintiff." *Vicom*, 20 F.3d at 777 (citation omitted). But Butler alleges only that IP addresses associated with the Administrative Office of the United States Courts accessed

his attorney's public website. Compl. at 5, 6, 7 & Ex. B (ECF No. 1). That does not come close to showing any wire fraud by Judge Alexakis or Judge Maldonado.

Nor does the complaint adequately allege an "enterprise." To do so, it must allege facts to plausibly suggest "a group of persons associated together for a common purpose of engaging in a course of conduct." *Boyle v. United States*, 556 U.S. 938, 946 (2009) (quoting *United States v. Turkette*, 452 U.S. 576, 583 (1981)). This definition is interpreted broadly, but it requires "at least three structural features: a purpose, relationships among those associated with the enterprise, and longevity sufficient to permit these associates to pursue the enterprise's purpose." *Id.* But Butler makes only vague and conclusory references to "a cesspool consisting of corrupt elements within the federal judiciary in the Northern District of Illinois and the Seventh Circuit Court of Appeals," Compl. at 1 (ECF No. 1), and an asserted "association-in-fact" of unidentified "corrupt judicial officers, clerks, and administrators in the Northern District of Illinois and Seventh Circuit," *id.* at 8. These vague and conclusive assertions fail to provide the necessary factual detail to show a plausible "enterprise" among the judiciary and its staff.

The failure to establish an enterprise or a pattern of racketeering activity is also fatal to Butler's RICO conspiracy claim. That claim requires him to show "that (1) the defendant[s] agreed to maintain an interest in or control of an enterprise or to participate in the affairs of an enterprise through a pattern of racketeering activity, and (2) the defendant[s] further agreed that someone would commit at least two predicate acts to accomplish these goals." *Empress Casino Joliet Corp. v. Balmoral Racing Club, Inc.*, 831 F.3d 815, 823 (7th Cir. 2016) (internal citation omitted). Because he failed to allege facts plausibly showing a pattern of racketeering activity or an underlying enterprise, he likewise does not adequately plead a conspiracy claim.

B. Butler fails to plead a cause of action under § 1983.

Finally, Butler fails to allege a cause of action under 42 U.S.C. § 1983. "To state a claim under § 1983, a plaintiff must allege the violation of a right secured by the Constitution and laws of the United States, and must show that the alleged deprivation was committed by a person acting under color of state law." *West v. Atkins*, 487 U.S. 42, 48 (1988). "[A]n action brought pursuant to § 1983 cannot lie against federal officers acting under color of federal law." *Case v. Milewski*, 327 F.3d 564, 567 (7th Cir. 2003). Butler's claims are against two federal judges acting under color of federal law, not state law. Without the essential color-of-state-law element, Butler's § 1983 claim is frivolous.

CONCLUSION

For these reasons, the complaint should be dismissed with prejudice.

Dated: February 17, 2026

Respectfully submitted,

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